

**REMARKS**

Applicant hereby traverses the outstanding rejections, and requests reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 2 and 15 have been canceled without prejudice. Claims 1, 3-14, and 16-20 are pending in this application.

**New Title**

The title of the invention has been deemed to be not descriptive of the invention. In response, Applicant has changed the title to be descriptive of the invention as defined in the claims. No new matter has been entered. Thus, Applicant believes that the new title should satisfy the requirements of the Office Action.

**Rejections Under 35 U.S.C. § 112**

Claims 7 and 10 are rejected under rejected under 35 U.S.C. §112, second paragraph as being indefinite. Specifically, the words “straight line actuator” in claim 7 lack antecedent basis and the subject matter of claim 10 is asserted by the Office Action as being unclear.

In response, Applicant has amended claim 7 to state “straight line sensor array”. Moreover, Applicant has amended claim 10 to more accurately define the invention therein. Applicant requests that the Examiner reconsider this rejection in view of the amendments made to claim 10.

As each element of indefiniteness cited by the Office Action has been addressed with a corresponding amendment, Applicant respectfully requests the rejection of claims 7 and 10 under 35 U.S.C. §112, second paragraph be withdrawn.

**Rejections Under 35 U.S.C. § 101**

Claim 10 has been rejected under 35 U.S.C. § 101, as a use claim without setting forth any steps involved in a process.

In response, Applicant has amended claim 10 to more accurately define the invention therein. Applicant asks that the Examiner reconsider this rejection in view of the amendments made to claim 10. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 10 under 35 U.S.C. §101.

**Rejections Under 35 U.S.C. § 102**

Claims 1-5, 9-10, 12-14, 17, and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by Mutze (DE 4100400 A1).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. §2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 US.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

Claim 1, as amended with the subject matter of now-cancelled claim 2, defines a digital camera that comprises a control board for receiving said image data from said sensor array. Mutze does not disclose at least this element. The Office Action relies on a personal computer of Mutze as reading on this aspect of the claimed invention. However, the personal computer is not part of the camera of Mutze, but rather is a separate device from the camera of Mutze. Thus, Mutze does not teach all of the claimed limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 1 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 12, as now amended, defines a method for generating digital data in a digital camera. The method comprises at least deploying a plurality of said high resolution one dimensional sensor arrays which span the first dimension of the image plane across said second dimension of said image plane. Mutze does not teach at least this claimed limitation.

Therefore, the Applicant respectfully asserts that for the above reasons claim 12 is patentable over the 35 U.S.C. § 102 rejection of record.

Claims 3-5, 9-10, 13-14, and 17-18 depend directly from base claims 1 and 12, respectively, and thus inherit all limitations of their respective base claims. Each of claims 3-5, 9-10, 13-14, and 17-18 sets forth features and limitations not recited by Mutze. Thus, the Applicant respectfully asserts that for the above reasons claims 3-5, 9-10, 13-14, and 17-18 are patentable over the 35 U.S.C. § 102 rejection of record.

### **Rejection Under 35 U.S.C. § 103**

Claims 6 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mutze in view of Official Notice.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

The Office Action admits that Mutze does not teach having a more than 1000 pixels (regarding claim 6), and brightness information and color information (regarding claim 16). The Office Action attempts to cure this deficiency by introducing Official Notice, which the Office Action alleges to teach having such elements. However, this combination, as presented, does not teach or suggest all limitations of the claimed invention.

Base claims 1 and 12 are defined as described above. Mutze does not disclose these limitations, as discussed above. Official Notice is not relied upon in the Office Action as disclosing these limitations. Therefore, the combination of references does not teach all elements of the claimed invention.

Claims 6 and 16 depend directly from base claims 1 and 12, respectively, and thus inherit all limitations of their respective base claims. Each of claims 6 and 16 sets forth features and limitations not recited by the combination of Mutze and Official Notice. Thus,

the Applicant respectfully asserts that for the above reasons claims 6 and 16 are patentable over the 35 U.S.C. § 103(a) rejection of record.

**Rejection Under 35 U.S.C. § 103**

Claims 7-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mutze in view of Kimura ('626).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

The Office Action admits that Mutze does not teach having a linear actuator (regarding claim 7), and an electric motor and belt and pulley system (regarding claim 8). The Office Action attempts to cure this deficiency by introducing Kimura, which the Office Action alleges to teach having such elements. However, this combination, as presented, does not teach or suggest all limitations of the claimed invention.

Base claim 1 is defined as described above. Mutze does not disclose these limitations, as discussed above. Kimura is not relied upon in the Office Action as disclosing these limitations. Therefore, the combination of references does not teach all elements of the claimed invention.

Claims 7-8 depend directly from base claim 1, and thus inherit all limitations of claim 1. Each of claims 7-8 sets forth features and limitations not recited by the combination of Mutze and Kimura. Thus, the Applicant respectfully asserts that for the above reasons claims 7-8 are patentable over the 35 U.S.C. § 103(a) rejection of record.

**Rejection Under 35 U.S.C. § 103**

Claims 11 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mutze in view of Kawamoto et al. ('063, hereinafter Kawamoto).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

The Office Action admits that Mutze does not teach having two or more sensor arrays. The Office Action attempts to cure this deficiency by introducing Kawamoto, which the Office Action alleges to teach having such elements. However, this combination, as presented, does not teach or suggest all limitations of the claimed invention.

Base claim 1 is defined as described above. Mutze does not disclose these limitations, as discussed above. Kawamoto is not relied upon in the Office Action as disclosing these limitations. Therefore, the combination of references does not teach all elements of the claimed invention.

Base claim 12 has been amended with portions of now cancelled claim 15. Claim 12, as now amended, defines a method for generating digital data in a digital camera. The method comprises at least deploying a plurality of said high resolution one dimensional sensor arrays which span the first dimension of the image plane across said second dimension of said image plane, and moving each sensor array of said plurality of sensor arrays through a portion the second dimension of the image plane, wherein each sensor array traverses a portion of the image plane exclusive of at least one other sensor array of the plurality sensor arrays. Mutze does not teach at least these claimed limitations. The sensor arrays of Kawamoto each traverse the same portion of the image plane as the other sensor arrays. Thus, Kawamoto does not teach at least these claimed limitations. Therefore, the combination of references does not teach all elements of the invention of claim 12.

Claim 11 depend directly from base claim 1, and thus inherit all limitations of claim 1. Claim 11 sets forth features and limitations not recited by the combination of Mutze and Kawamoto. Thus, the Applicant respectfully asserts that for the above reasons claim 11 is patentable over the 35 U.S.C. § 103(a) rejection of record.

**Rejection Under 35 U.S.C. § 103**

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Mutze in view of Deangelis et al. (2002/0149679A1, hereinafter Deangelis).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

The Office Action admits that Mutze does not teach continuously moving the sensor array. The Office Action attempts to cure this deficiency by introducing Deangelis, which the Office Action alleges to teach having such elements. However, this combination, as presented, does not teach or suggest all limitations of the claimed invention.

Base claim 12 is defined as described above. Mutze does not disclose these limitations, as discussed above. Deangelis is not relied upon in the Office Action as disclosing these limitations. Therefore, the combination of references does not teach all elements of the claimed invention.

Claim 19 depends directly from base claim 12, and thus inherit all limitations of claim 12. Claim 19 sets forth features and limitations not recited by the combination of Mutze and Deangelis. Thus, the Applicant respectfully asserts that for the above reasons claim 19 is patentable over the 35 U.S.C. § 103(a) rejection of record.

**Rejection Under 35 U.S.C. § 103**

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Mutze in view of Kikura in further view of Shimizu et al. ('579, hereinafter Shimizu).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to

combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. See M.P.E.P. §2143. Without conceding the first and second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

The Office Action admits that Mutze does not teach that converting light into digital image data is performed at different rates. The Office Action attempts to cure this deficiency by introducing Kimura and Shimizu, which the Office Action alleges to teach having such elements. However, this combination, as presented, does not teach or suggest all limitations of the claimed invention.

Base claim 12 is defined as described above. Mutze does not disclose these limitations, as discussed above. Kimura and Shimizu are not relied upon in the Office Action as disclosing these limitations. Therefore, the combination of references does not teach all elements of the claimed invention.

Claim 20 depends directly from base claim 12, and thus inherit all limitations of claim 12. Claim 20 sets forth features and limitations not recited by the combination of Mutze, Kimura, and Shimizu. Thus, the Applicant respectfully asserts that for the above reasons claim 20 is patentable over the 35 U.S.C. § 103(a) rejection of record.

### **Conclusion**

Claims 1, 12, 13, 19, and 20 have also been amended to clarify the invention defined therein. Specifically, the phrases “low cost high resolution”, “cost effectively”, “the steps of”, “step of”, “the further step of”, have been deleted. In claim 12, the phrase “at closely spaced intervals during said step of rapidly moving, thereby acquiring digital image data at closely spaced intervals” has been deleted in favor of “acquired”. Also in claim 12, “an entirety of” has been deleted. These amendments have been made for clarification purposes only, and not for narrowing the scope in view of prior art. No new matter has been entered by these amendments.

Claims 17-19 have been amended to correspond to amended claim 12.

New claims 21-31 are provided for consideration of the Examiner.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10980689-1 from which the undersigned is authorized to draw.

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Date of Deposit: November 14, 2003

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